

**REMARKS**

Claims 1-268 were previously pending in this application. In response to a Restriction Requirement, Applicant elected to prosecute claims 1-50 with traverse. Applicant has amended claims 2, 3, 12, 13, 22, 23, 32, 33, 42, and 43. Claims 269-278 have been added. No new subject matter has been added by way of these amendments. In particular, support for new claims 269-278 can be found in the specification at page 83, ln. 1 thru page 87, ln. 2 and further at page 106, ln. 11 thru page 108, ln. 17. Applicant respectfully requests reconsideration of claims 1-50 and new claims 269-278 of this application in view of the foregoing amendments and following remarks.

**Rejection Under 35 U.S.C. §102**

In the Office Action, claims 1-50 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,317,727 to May ("May").

May is directed to a credit monitoring system in an electronic trading system that performs a credit check on two potential trading parties, to determine if each party will accept each other's trade based upon their respective predefined credit preferences. See May, Abstract; col. 5, lns. 49-58. The credit monitoring system in May allows two potential trading partners to facilitate a trade "based upon their respective predefined credit preferences." See May, col. 5, lns. 49-53. One potential trading partner extends credit to the other potential trading partner in exchange for a particular financial transaction instrument. The system in May "screen[s] an electronic trade of a financial instrument between a first trader and a second trader" and then reports "the respective trade eligibility to the first trader and the second trader." See May, col. 6,

Ins. 12-27. Further, in May, a user enters predetermined credit preferences, depending on the level of risk the user is willing to be exposed. May, cols. 24-26.

The claims pending in the application require that one or multiple potential creditors bid to offer credit to a user or accesser. The creditor makes its bid to offer credit based on information provided by the accesser. See Specification at p. 81, Ins. 8-18, & Fig. 13. For example, independent claim 1 requires the steps of “affecting provision of a credit request; affecting provision of accesser determined information; [and] affecting provision of bids for accesser credit requests.” According to these steps, based on an accesser’s credit requests and information, a potential creditor or several potential creditors may bid to offer credit to the accesser. See Specification at p. 83, Ins. 1-9, p. 83 ln. 20 – p. 84 ln. 3. Having multiple creditors make bids to offer credit creates a form of an auction to extend credit to an accesser. See Specification at p. 83, Ins. 10-19. Thus, a creditor may bid to fulfill all or part of the accesser’s credit request and an accesser may select from several offers of credit to fulfill its credit request. See id. at p. 85 ln. 6 – p. 86 ln. 10.

In addition, claim 1 requires “affecting obtaining preferred credit offers.” According to this step, an accesser may obtain credit offers such that its credit requests are fulfilled by either one, several or all of the provision of bids for accesser credit requests. For example, if an accesser is requesting \$15,000 in credit, one creditor may supply the first \$5,000 in credit and subsequent offers from other creditors may fulfill the remainder of the accesser creditor request for \$10,000. See eg. Specification at p. 84, ln. 9 – p. 86 ln. 10. Newly added

claims 269-278 are specifically directed towards fulfillment of credit requests by issuance of credit from more than one creditor.

Applicant submits that May does not anticipate the claimed subject matter. Applicant respectfully disagrees with Examiner that May discloses a system and method for *negotiating* credit terms between buyer, sellers and/or third parties, as recited in the claimed subject matter. See 7/1/05 Office Action, p. 3. May is silent to the step of “affecting the provision of bids for accesser credit requests,” as recited in independent claim 1. The credit monitoring system in May allows a user to set its credit preferences, but unlike independent claim 1, the system in May does not allow potential creditors to bid or negotiate for accesser credit requests. Indeed, the system in May does not employ an auction format, which allows (1) potential creditors to bid to offer credit to an accesser based on an accesser’s credit request and information and (2) the accesser to obtain multiple bids to satisfy its credit request. Moreover, the system in May does not allow the fulfillment of accesser credit requests by multiple creditors as set forth in claims 51-55.

Accordingly, Applicant respectfully submits that May does not anticipate the claimed subject matter as recited in claims 1-55. Therefore, Applicant requests withdrawal of the rejection and allowance of the claims.

**Rejection Under 35 U.S.C. § 101**

Claims 1-10 stand rejected under 35 U.S.C. § 101 as directed towards non-statutory subject matter outside the “technological arts.” In Ex parte Lundgren, Appeal No. 2003-2088, slip op. at 4-9 (Bd. Pat. App. & Inter. 2005), the Board of Patent Appeals and

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Interferences overruled the practice of rejecting claims as directed towards nonstatutory subject matter for being outside the technological arts. Specifically, the Board held: "Our determination is that there is currently no judicially recognized separate 'technological arts' test to determine patent eligible subject matter under § 101." Lundgren, slip op. at 9. Thus, applicant respectfully requests withdrawal of the rejection of claims 1-10 under 35 U.S.C. § 101.

**CONCLUSION**

In view of the foregoing, Applicant respectfully requests reconsideration and allowance of this application.

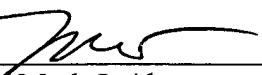
In the event that a telephone conference would facilitate prosecution, the Examiner is invited to contact the undersigned at the number provided.

**AUTHORIZATION**

Applicant believes that the petitioned extension of time is sufficient to render this filing timely. However, to the extent that additional time is necessary or any additional fees are required, Applicant hereby authorizes the Commissioner to charge any additional fees, or credit any overpayment, to Deposit Account No. 13-4500 (Order No. 3939-4000). **A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.**

Respectfully submitted,  
MORGAN & FINNEGAN LLP

Dated: December 1, 2005

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